BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554

In the Matter of:	)	
	)	
Implementation of the Local	)	
Competition Provisions in the	)	CC Docket No. 96-98
Telecommunications Act of 1996	)	
	)	

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TO
PETITION FOR
FOR EXPEDITED RULEMAKING

BY
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and
COMPETITIVE TELECOMMUNICATIONS ASSOCIATION (CompTel)

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BEFORE THE PUBLIC SERVICE COMMISSION

OF THE STATE OF DELAWARE

IN THE MATTER OF THE INQUIRY INTO BELL ATLANTIC-DELAWARE, INC.'S COMPLIANCE WITH THE CONDITIONS SET FORTH IN 47 U.S.C. § 271(c) (OPENED SEPTEMBER 24, 1996)	:	Docket No. 96-234

AFFIDAVIT OF ROBERT J. KIRCHBERGER
ON BEHALF OF AT&T COMMUNICATIONS OF DELAWARE, INC.

I, Robert J. Kirchberger, declare as follows:

1. My name is Robert J. Kirchberger. My business address is 131 Morristown Road, Basking Ridge, New Jersey. Currently, I am a Law and Government Affairs Director in AT&T's Atlantic region.

2. I have over 27 years experience in the telecommunications industry -- 10 years with New Jersey Bell and 17 years with AT&T. Over the years, I have held positions of increasing responsibility in a number of areas, including management of local repair service centers and local switching offices, development of technical and tariff support for pricing and marketing of both New Jersey Bell's and AT&T's services, and management of customized offerings. From 1995 to November, 1996, I had business management responsibility for the Atlantic Region Local Services Organization. In that capacity, I served as the lead pricing negotiator for the AT&T-Bell Atlantic negotiations for a local interconnection agreement.

3. The purpose of my affidavit is to respond to the claims of Bell Atlantic regarding the progress it has made toward providing competitive local exchange carriers (CLECs) with nondiscriminatory access to its operations support systems (OSS) as required by Section 251(c)(3) of the Telecommunications Act of 1996 (1996 Act). As demonstrated below, Bell Atlantic still has a long way to go before it will be able to provide CLECs with workable and nondiscriminatory access to its operations support systems. In the first place, the OSS interfaces being proposed by Bell Atlantic are not presently available; that is, they are not yet deployed or tested or otherwise in a state of operational readiness. Indeed, all that Bell Atlantic even claims in this proceeding with respect to OSS access is that it will provide such access at some undefined time in the future. In addition, the OSS access that Bell Atlantic proposes to provide initially to CLECs falls far short in several significant respects of providing CLECs with the parity of access required by the 1996 Act. Most significantly, Bell Atlantic's proposed ordering procedure is not mechanized. Rather, it requires Bell Atlantic employees to manually rekey all CLEC orders for input into its service order processing systems – a procedure that amounts to nothing more than the equivalent of communication by facsimile, which the FCC has expressly found to be insufficient. Further, Bell Atlantic has offered no evidence that the OSS access it proposes to provide will have sufficient capacity to handle the volume of CLEC requests that can reasonably be expected to occur in a multi-carrier competitive local exchange market. Additionally, Bell Atlantic has made no showing that the OSS access it proposes to provide to CLECs will be nondiscriminatory -- that is, equivalent to the access that Bell Atlantic provides to itself.

4. My affidavit will also address the serious barrier to competitive entry into local markets created by the per transaction charges that Bell Atlantic has proposed to impose for CLEC access to its operations support systems.

I. THE NEED FOR NONDISCRIMINATORY ACCESS TO OPERATIONS SUPPORT SYSTEMS

5. "Operations support systems" are the computer-based systems and databases that telecommunications carriers use to provide a number of essential customer and business support functions, including (1) pre-ordering (e.g., identifying the customer's existing service and the availability of new services and features, address verification, the assignment of new telephone numbers, ascertaining the need for a site visit and the due date for service installation), (2) ordering, (3) provisioning, (4) maintenance and repair, and (5) billing for the sale or resale of telecommunications services. Operations support systems also include local account maintenance systems by which a carrier can update other information regarding its local customers, such as a change in the customer's long distance carrier.

6. The establishment of efficient electronic interfaces and procedures for the exchange of information between the operations support systems of Bell Atlantic and AT&T and other CLECs is absolutely essential for the development of competition in the provision of local services. AT&T and other CLECs entering local markets in Delaware on a large scale will be highly dependent upon their ability efficiently to obtain local services and unbundled network elements from Bell Atlantic, which will depend in turn upon the efficient exchange of information between AT&T and Bell Atlantic relating to all the OSS functions described above. Without nondiscriminatory access to Bell Atlantic's operations support systems, large-scale,

broad-based entry by CLECs into local markets in Delaware will be delayed or foreclosed, and consumers will be denied the benefits of competition in local telephone services – choice, new and innovative services, and lower prices.

7. The FCC has found that nondiscriminatory access to operations support systems of the incumbent LECs is "critical to the ability of other carriers to compete," stating that:

> "[I]f competing carriers are unable to perform the functions of pre-ordering, ordering, provisioning, maintenance and repair, and billing for network elements and resale services in substantially the same time and manner that an incumbent can for itself, competing carriers will be severely disadvantaged, if not precluded altogether, from fairly competing. Thus, providing nondiscriminatory access to these support systems functions, which would include access to the information such systems contain, is vital to creating opportunities for meaningful competition."[1]

The FCC further found that "providing nondiscriminatory access to operations support systems functions is technically feasible," and it ordered that such nondiscriminatory access must be provided by January 1, 1997.[2]

8. The FCC subsequently denied petitions to defer this requirement of nondiscriminatory access to operations support systems.[3] Although the Commission stated it

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[1] First Report and Order, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (released August 8, 1996) (First Report and Order), at ¶ 518. See also Id., ¶ 522 ("We find that such operations support systems functions are essential to the ability of competitors to provide services in a fully competitive local services market").

[2] Id. at ¶¶ 520, 523.

[3] Second Order on Reconsideration, Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98 (released December 13, 1996) (Second Order).

would not initiate enforcement actions against incumbent LECs "that are making good faith efforts to provide [nondiscriminatory OSS] access within a reasonable period of time," it reaffirmed that "access to OSS functions is a critical requirement"; that such access must be "at least equivalent" or "equal to" the access that the incumbent LEC provides to itself; and that "incumbent LECs that do not provide access to OSS functions, in accordance with the First Report and Order, are not in full compliance with Section 251."[4]

II. THE REQUIREMENTS FOR NONDISCRIMINATORY ACCESS TO OPERATIONS SUPPORT SYSTEMS

9. The FCC has made clear that the duty to provide "nondiscriminatory access" means that the access provided to CLECs must be "the same" as,[5] or "equal to,"[6] the access that Bell Atlantic provides to its own customer service representatives. Moreover, the FCC has concluded that, consistent with "the 1996 Act's goal of promoting local exchange

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[4] Id. at ¶¶ 9-11.

[5] See First Report and Order, ¶ 523 ("the incumbent must provide the same access to competing providers" that it provides to its own customer service representatives); ¶ 316 ("the incumbent must provide access to [OSS] functions under the same terms and conditions that they provide services to themselves or their customers"); ¶ 518 (competing providers must be provided with the ability "to perform the functions of pre-ordering, ordering, provisioning, maintenance and repair, and billing for network elements and resale services in substantially the same time and manner that an incumbent can for itself") (emphasis added).

[6] See Id., ¶ 519 ("we generally rely upon" state commission orders "ordering incumbent LECs to provide interfaces for [OSS] access equal to that the incumbent provides itself"); ¶ 315 (access must be provided on terms that are "equal to the terms and conditions under which the incumbent LEC provisions such elements to itself"); Second Order, ¶ 9 (OSS access must be "at least equivalent" or "equal to" the access that the incumbent LEC provides to itself) (emphasis added).

competition," incumbent LECs must provide OSS access "under terms and conditions that would provide an efficient competitor with a meaningful opportunity to compete."[7]

10. In order to establish that it has fully implemented this obligation to provide CLECs with nondiscriminatory access to operations support systems, Bell Atlantic must show: (1) that OSS interfaces are deployed, cover all OSS functions, and are in a state of full operational readiness for both wholesale services and unbundled network elements; (2) that its proposed OSS interfaces, systems, procedures and personnel are adequate to handle the magnitude of the CLEC requests that can reasonably be anticipated to occur in a multi-carrier competitive market; and (3) that the OSS access being provided to CLECs is "nondiscriminatory" in that it is equivalent in terms of availability, accuracy and timeliness to the access that Bell Atlantic provides to itself. Bell Atlantic has met none of these requirements.

III. LACK OF OPERATIONAL READINESS

11. As Bell Atlantic has recognized in other cases, the development of operationally ready electronic interfaces between two operations support systems is "a monumentally complex task."[8] It requires not only the development of interfaces and the publication of interface specifications, but a showing that CLECs are actually able to use the interfaces to obtain the information and functionalities contained in Bell Atlantic's operations support systems and databases. Operational readiness can only be established, therefore, by

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[7] First Report and Order, ¶ 315.

[8] See Direct Testimony of Donald E. Albert, filed November 4, 1996, in Notice of Investigation, Local Exchange Competition for Telecommunications Services, N.J. Bd. Pub. Util. Docket No. TX95120631, p. 21.

evidence that CLECs have been able to process large volumes of transactions over the interface in an accurate, reliable and timely manner.

12. Bell Atlantic does not even contend at this time that it has deployed operationally ready OSS interfaces for all OSS functions for its resale services and unbundled network elements. Rather, Bell Atlantic states only that it "will provide competing carriers access to its operational support systems" at some undefined time in the future. Albert Aff. ¶ 64 (emphasis added).[9] Such vague promises of future access obviously do not satisfy Bell Atlantic's OSS access obligations.

13. With respect to its proposed ordering interface, Bell Atlantic states that only the "initial development" of an interface has been completed and that the interface "is now being tested" by Bell Atlantic. Albert Aff. ¶ 66. What Bell Atlantic has chosen not to disclose in this case, however, is that it is still several years away from providing the nondiscriminatory access to its service order processing system mandated by the 1996 Act. Thus, in otherwise virtually identical testimony submitted by Mr. Albert in other jurisdictions, he has candidly conceded that mechanized processing of local service requests (LSRs) by Bell Atlantic will only be "implemented by order type (e.g., basic residential service), with the most common order types mechanized first" and that "it will probably be several years . . . before all LSR types are

[9] See also Reply Brief of Bell Atlantic-New Jersey, Inc. Regarding Interconnection and Unbundling Issues, filed March 10, 1997, in Notice of Pre-Proposal Notice of Investigation Local Exchange Competition for Telecommunications Services, N.J. Bd. Pub. Util. Docket No. TX95120631, p. 123 (stating that Bell Atlantic "will provide electronic access to each of the OSS functions . . . on a time frame" to be agreed to with other individual carriers).

mechanized."[10] This admission – omitted from Mr. Albert's affidavit here, but not in any way disavowed – is further confirmed by recent statements in other proceedings that Bell Atlantic's implementation of mechanized access for CLECs to its ordering systems "will proceed in two phases" and that "it may be several years" before Bell Atlantic will be capable of processing all CLEC orders on a mechanized basis.[11]

14. Similarly, with respect to its proposed billing interfaces, Bell Atlantic candidly concedes that its interfaces are not in a state of operational readiness. Instead, Bell Atlantic states that it is still "conducting an operational test to validate the production capabilities of the billing system." Albert Aff. ¶ 69.

15. Bell Atlantic's own statements, therefore, indicate that its systems are not operationally ready. Moreover, the evidence required to demonstrate that Bell Atlantic's interfaces are capable of processing large volumes of transactions in an accurate, reliable and timely manner can only be obtained through thorough end-to-end integration testing of Bell's proposed OSS interfaces.

16. The mere development of an interface and the publication of technical specifications is not enough. Interface specifications, standing alone, generally do not provide sufficient information to enable systems to interface with each other. Even when industry standards are used, those standards are often defined to allow flexibility in the design of systems.

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[10] Albert Declaration, filed February 10, 1997, In re: Implementation of the Telecommunications Act of 1996: Bell Atlantic-Pennsylvania's Entry Into In-Region InterLATA Services Under Section 271, Pennsylvania Pub. Util. Comm'n Docket No. -960840, ¶ 67 (emphasis added).

[11] Bell Atlantic-Pennsylvania Reply Comments, Petition of Bell Atlantic-Pennsylvania, Inc. for Approval of a Statement of Generally Available Terms and Conditions, Pennsylvania Pub. Util. Comm'n Docket No. P-00961137, filed February 5, 1997, pp. 7-8.

Different companies may apply the standards differently. Further, each company will have its own unique methods and procedures, system design parameters, and other policies and practices, referred to as "business rules," that are essential to the functioning of its systems. These business rules are not generally reflected in the technical specifications, but they are crucial to the successful use of a systems interface. Both parties must understand how data will be "packaged" within messages that cross the interface, the identity of the data elements that will and will not be provided, the sequence of messages that will be exchanged, the "edits" that are programmed into the systems, and the business activities that will occur in response to particular messages. Without full knowledge and compliance with both the interface specifications and business rules, CLECs will not be able to communicate and interact with Bell Atlantic's systems, and essential transactions will not take place as intended. Problems of this sort can only be uncovered in the course of comprehensive integration testing.

17. Because AT&T recognizes that adequate systems testing is imperative, it has repeatedly throughout its negotiations with Bell Atlantic stressed the importance of comprehensive end-to-end service readiness testing for both the purchase of resold services and unbundled network elements. At a meeting in early November, 1996, in response to AT&T's request to test systems in January, Bell Atlantic told AT&T that it would not be ready to test unbundled elements systems at that time. Further, it stated that resources for such testing might be difficult to obtain, and that the timing of the total services resale testing would affect the timing of the unbundled elements testing.

18. AT&T sent a comprehensive test plan to Bell Atlantic and had a seven-hour meeting at which AT&T presented this plan on November 19, 1996. AT&T's proposal was

designed to test all phases of the data flows that must be exchanged in the wholesale environment. AT&T's test proposal focused on total services resale testing first. AT&T's test plan was designed to assess all phases of systems interactions through the systems architecture to ensure that, under a variety of different scenarios, AT&T customer service orders could be processed and provisioned, and the resulting service maintained and billed. Such testing was to include all data element flows, including the initiation of the transaction by AT&T, the movement of the data elements through AT&T's operations support systems, the transmission of information across the interface to Bell Atlantic, the processing of the data within Bell Atlantic's operations support systems, and, per industry standards, the subsequent return of data to AT&T, as well as escalation procedures and contingent manual processes.

19. During the November 19 meeting, Bell Atlantic representatives listened to AT&T's proposal and appeared receptive to it. When asked at the end of the meeting whether Bell Atlantic would accept the proposal, Bell Atlantic's representatives stated that they wanted some time to review the proposal with senior management and to add some of Bell Atlantic's own testing requirements. As a result, Bell Atlantic suggested that the companies meet in another week or two.

20. The very next day, however, on November 20, 1996, Bell Atlantic sent AT&T a letter inviting AT&T to a December 17, 1996, "Resale Seminar." That letter revealed that Bell Atlantic had decided to use only one test partner for the entirety of the region, that it had intended to determine unilaterally who its test partner would be, and that it had prepared its own test plan and schedule. None of this information had been disclosed to AT&T at its meeting with Bell Atlantic the day before.

21. At the December 17 seminar, Bell Atlantic revealed that it had selected as its test partner US Network, a small business-only reseller which has no customers in Bell Atlantic's territory and only approximately 70 employees worldwide. At the time US Network was selected, it was not authorized to provide local service anywhere in Bell Atlantic's territory, and it only received authorization in mid-February to provide local service in Maryland, where the test was being conducted. Bell Atlantic's choice of a Maryland test partner is peculiar because it had previously told AT&T that its preference was to test its systems in Pennsylvania, where its systems were the most up-to-date and closest to Bellcore standards, and that it might have operational difficulties in the former C&P Telephone territories. Moreover, Bell Atlantic admitted that no US Network customers were involved in the testing, that all of the test participants are Bell Atlantic customers that are being "loaned" to US Network solely for purposes of the test, and that they will remain customers of Bell Atlantic when the test is completed. These facts make clear that this supposed "reseller test" is nothing more than a "self test" by Bell Atlantic of its own systems.

22. Bell Atlantic has asserted that US Network was "randomly" chosen by Coopers & Lybrand from a pool of candidates that had been deemed qualified. See also Albert Aff. ¶ 70 (stating that Bell Atlantic is conducting an operational readiness test with "a randomly selected reseller"). However, US Network also happens to be the test partner for OSS interfaces chosen by Ameritech and NYNEX.

23. After the December 17 seminar, in response to repeated requests from AT&T, Bell Atlantic refused to disclose any details about its testing with US Network. Although Bell Atlantic had initially stated that the test results would be made publicly available in

February, it did not disclose these results until March 28, 1997, and then did so only in response to an inquiry from the Pennsylvania Public Utilities Commission.

24. The test results confirm that the Bell Atlantic/US Network test shows nothing about the ability of Bell Atlantic's systems to interface with CLECs' systems. The results show that over the three-month test period, only six residential customers and two business customers were tested, and that, even with this limited number of customers tested, problems with Bell Atlantic's systems surfaced. Notwithstanding the undeniable inadequacies of the US Network test, Bell Atlantic nevertheless asserts that this test alone demonstrates the operational readiness of its OSS interfaces.[12]

25. In its submission here, Bell Atlantic attaches no significance to its pending test with AT&T, a CLEC that will actually be providing service to customers in Delaware. On February 10, 1997, the same day that it filed a report with the Pennsylvania Commission alleging compliance with Section 271, Bell Atlantic finally accepted AT&T's test proposal, which had not changed from AT&T's November proposal. That testing, which will take place in New Jersey, has now just begun. However, that test is limited in several respects. First, it covers predominantly total service resale orders and not unbundled network elements orders. In response to AT&T's repeated requests that the companies also conduct service readiness testing for unbundled network element orders, Bell Atlantic has stated only that it "currently expects to have the capability" to process such orders by May 1, 1997.[13] Without even having the

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[12] See Testimony of Donald E. Albert, Hearing before the Pennsylvania Public Utility Commission, Docket No. M-960840, on April 3, 1997, tr. 106.

[13] Letter from Jae Bradley, Bell Atlantic, to Jim Conningham, AT&T, dated February 27, 1997.

capability to test orders for unbundled network elements until, at the earliest, May 1, 1997, it is difficult to comprehend how Bell Atlantic can believe that it is in compliance with this checklist requirement. Second, the test that the parties are conducting is not a multi-vendor stress test. The test contemplates sending 300-400 test orders to Bell Atlantic over a three-to-four month period. While this testing is certainly much more comprehensive than the US Network test and is an important first step in determining Bell Atlantic's operational readiness, it will not demonstrate whether Bell Atlantic's systems will be capable of handling the volume of orders from multiple vendors that can be expected once competition actually takes hold. For the reasons discussed below (principally because Bell Atlantic's systems require extensive manual intervention), AT&T doubts that Bell Atlantic will be able to handle any significant volumes of orders.

26. In any event, even the earliest phases of the test that has taken place to date with AT&T has revealed problems with Bell Atlantic's OSS. AT&T's directory service requests (which comprise requests for directory listings, including white and yellow page listings, and directory delivery requests) were rejected by Bell Atlantic. AT&T later learned that Bell Atlantic will be unable to process any directory listing data elements via EDI (its ordering interface) until May 1, 1997. Thus, these capabilities cannot even begin to be tested until early May, which, at best, will delay the overall test by 2-3 weeks.

27. Even aside from the problems that have surfaced thus far with the test, there are a number of other unresolved issues with respect to Bell Atlantic's interfaces. For example, one major unresolved issue between the parties relates to the business rules associated with "hunting" requirements. Hunting is a term used to describe a service feature that

automatically routes calls to another line when the first line is busy. In the course of negotiations, it became apparent that there was a disagreement between the parties on the proper interpretation of the industry standards regarding the format of hunting requests. Bell Atlantic believed that 3 different fields on the service order form were required to be populated in order to process a hunting request; AT&T believed (and still does) that only one field needed to be populated. By letter dated March 3, 1997, Bell Atlantic indicated that it was willing to accept AT&T's approach to hunting requests. A few weeks later, however, Bell Atlantic reversed course and informed AT&T that 2 data fields would need to be populated in connection with any hunting request. Thus, the issue remains unresolved. Because the overwhelming majority of AT&T's business customers have more than one line, resolution of this issue is critical to AT&T's ability to enter the business market. Indeed, AT&T cannot enter the market with a business offer unless this issue is resolved.

IV. THE LACK OF PARITY OF ACCESS TO OPERATIONS SUPPORT SYSTEMS

28. In addition to the acknowledged lack of operational readiness of the OSS interfaces proposed by Bell Atlantic, it is clear even from the cursory descriptions provided that the ordering interfaces which Bell Atlantic proposes to provide initially to CLECs will not provide the nondiscriminatory access required by the 1996 Act. This deficiency is most obvious for Bell Atlantic's proposed interfaces for the ordering and provisioning of service resale. Although the FCC has ordered incumbent LECs to provide electronic interfaces for machine-to-machine communications by CLECs where the incumbent's customer service representatives have

direct electronic OSS access,[14] the interfaces presently being proposed by Bell Atlantic will not permit CLECs to communicate with Bell Atlantic's ordering and provisioning systems at all. Rather, as Mr. Albert has made clear in other states, Bell Atlantic's proposed interfaces will only enable a CLEC to submit orders to Bell Atlantic's Competitive LEC Sales and Service Center (CSSC) representatives, who will then manually input the orders into Bell Atlantic's service order processing system.[15] In other words, the data that a CLEC keys in on its side of the interface will be received by a Bell Atlantic employee via terminal or printer, who will then manually rekey the order into Bell Atlantic's systems. Thus, a CLEC's customer order will be manually processed at least twice -- once by the CLEC agent and then again by a Bell Atlantic representative.

29. Indeed, although Mr. Albert's Delaware affidavit does not acknowledge this fact, AT&T was able to determine as a result of visiting one of Bell Atlantic's customer service centers in March that, in fact, the Bell Atlantic service representative will manually rekey a CLEC's service order not once, but multiple times. For example, in connection with an "as specified" order (an order in which a CLEC specifies the customer's requirements), the Bell Atlantic representative will first "stare and compare" the CLEC order to the customer service record that is in Bell Atlantic's system. Once a Bell Atlantic representative determines which features, if any, are different from the customer's features, the representative must separately

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[14] See First Report and Order, ¶¶ 523, 316, 518; Second Order, ¶ 9.

[15] Albert Declaration, filed February 10, 1997, In re: Implementation of the Telecommunications Act of 1996: Bell Atlantic-Pennsylvania's Entry Into In-Region InterLATA Services Under Section 271, Pennsylvania Pub. Util. Comm'n Docket No. M-960840, ¶ 67 (emphasis added).

issue a disconnect order for those features. The Bell Atlantic representative then will manually input the CLEC's order into Bell's own service ordering system (and then its provisioning system), and then manually create a firm order confirmation (FOC) to return to AT&T. Thus, the manual intervention required under Bell Atlantic's proposal is pervasive.

30. As discussed above, Bell Atlantic has acknowledged in other states that a fully "mechanized" process will not be available for all types of CLEC orders for "several years."[16] With this arrangement, Bell cannot even maintain any pretense of parity, since Bell Atlantic's own local service orders are entered directly into its service order processing system by the Bell Atlantic representative who is dealing with the customer with no further human intervention.

31. This proposed CLEC ordering procedure amounts to nothing more than the equivalent of the communication of orders by facsimile, a procedure expressly rejected by the FCC as "obviously" inadequate to meet the obligation of incumbent LECs to provide nondiscriminatory electronic access to their operations support systems. The FCC found that where an incumbent LEC's customer service representatives have direct electronic access to OSS systems, the incumbent LEC "must provide the same access to competing providers," and "[o]bviously, an incumbent that provisions network resources electronically does not discharge

[16] Albert Declaration, filed February 10, 1997, In re: Implementation of the Telecommunications Act of 1996: Bell Atlantic-Pennsylvania's Entry Into In-Region InterLATA Services Under Section 271, Pennsylvania Pub. Util. Comm'n Docket No. M-960840, ¶ 67 (emphasis added); Bell Atlantic-Pennsylvania, Inc. Reply Comments, Petition of Bell Atlantic-Pennsylvania, Inc. for Approval of a Statement of Generally Available Terms and Conditions, Pennsylvania Pub. Util. Comm'n Docket No. P-00961137, filed February 5, 1997, pp. 7-8.

its obligation under section 251(c)(3) by offering competing providers access that involves human intervention, such as facsimile-based ordering."[17]

32. The repetitious manual processing of CLEC orders required by Bell Atlantic is also a serious concern because it will delay the ordering and provisioning process for CLECs, including the receipt of firm order confirmations or order rejections. This arrangement will prevent the CLEC agent from receiving prompt notification of the status of service orders and will preclude CLECs from making edits or corrections to orders to avoid order rejection while the customer is still "on-line." Thus, unlike Bell Atlantic representatives, CLECs will have to call the customer back to correct orders that Bell Atlantic's systems have rejected. The manual retyping required by Bell Atlantic's proposed arrangement also greatly increases the potential for error in the processing of CLEC orders. Further, it will not be apparent to a CLEC's customers that these problems are caused by Bell Atlantic, but they will instead be perceived to be the fault of the CLEC. The manual reprocessing of CLEC orders proposed by Bell Atlantic can thus be expected to seriously jeopardize the ability of CLECs to win and retain local customers. Finally, AT&T's inability to receive prompt order rejections will make it impossible for AT&T to engage in error elimination analysis during testing to determine whether the errors were caused by AT&T's own systems. This, in turn, will make it impossible for AT&T to correct any such systems problems.

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[17] First Report and Order, ¶ 523 (emphasis added). See also Second Order, ¶ 9 ("to the extent that an incumbent LEC provides electronic pre-ordering, ordering, provisioning, maintenance and repair, or billing to itself, its customers, or other carriers, the incumbent LEC must provide at least equivalent electronic access to requesting carriers") (emphasis added).

33. Manual processing is particularly troublesome for market entry on the broad scale planned by AT&T, because experience shows that manual processes are incapable of handling large volumes of transactions in a consistent, accurate, and timely fashion, and are thus likely to preclude Bell Atlantic from delivering timely and efficient services. For example, when manual processes had to be employed at divestiture due to order fallout, a nationwide backlog of order processing brought ordering to a standstill across the country.[18] Capacity should be evaluated by analogy to the long distance market, where currently more than 50 million customers nationwide change carriers each year. Similar turnover can be expected in local services markets when competition takes hold. In order to make local competition a reality, it is imperative that AT&T and other large-scale potential CLECs have confidence that Bell Atlantic will be able to handle large volumes of customer orders for changes in their local service provider. Here, however, Bell Atlantic has not committed to any minimum staffing levels to perform the required rekeying of CLEC orders.

34. Bell Atlantic does not dispute that fully electronic OSS interfaces requiring no manual intervention are technically feasible, as the FCC found. See First Report and Order, ¶ 520. Moreover, incumbent LECs, including Bell Atlantic, have provided such fully electronic machine-to-machine, system-to-system interfaces to interexchange carriers for many years in connection with interLATA access services.

35. Recognizing the inadequacy and obvious lack of parity presented by its proposed manual reprocessing of CLEC local service orders, Bell Atlantic has stated in other

[18] See, e.g., Telecommunications Reports, pp. 4-6 (May 21, 1984); Id., pp. 8-10 (March 19, 1984); Id., p. 3 (March 12, 1984).

proceedings that it is "developing" a capability to input CLEC orders directly into its service order processing system on a "mechanized basis," but it admits that it will be "several years" before all CLEC local service requests are mechanized.[19] Moreover, Bell Atlantic has not disclosed any details about how this "mechanized" access will work.

36. As an alternative to waiting several years for mechanized access to Bell Atlantic's operations support systems through its proposed electronic gateway, Bell Atlantic has claimed in other states that it will provide "direct access to its service order processing systems to AT&T and any other CLEC that requests such access," thereby enabling CLECs to input service orders directly into Bell Atlantic's systems without using the proposed gateway and without the manual reprocessing of their service orders by Bell Atlantic.[20] This offer is completely disingenuous. AT&T requested such direct OSS access in November 1996. Bell Atlantic's initial response was to try to convince AT&T that it really did not want such direct OSS access. When pressed, Bell Atlantic informed AT&T that such direct access would be available only after the customer migrates to AT&T. Thus, AT&T would not have direct access to all of the pre-ordering and ordering functions associated with a customer migrating to AT&T, but would only be able to utilize direct access for activities that occurred after the migration, such as processing of a customer's request to change a feature. Thus, as a practical matter, direct access would be unavailable to AT&T for well over 95 percent of its customers. Even

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[19] Albert Declaration, filed February 10, 1997, in In re: Implementation of the Telecommunications Act of 1996: Bell Atlantic-Pennsylvania's Entry Into In-Region InterLATA Services Under Section 271, Docket No. M-960840, ¶ 67.

[20] See Bell Atlantic-Pennsylvania Reply Comments, Petition of Bell Atlantic-Pennsylvania, Inc. for Approval of a Statement of Generally Available Terms and Conditions, Docket No. P-00961137, filed February 5, 1997, p. 8.

in those limited circumstances in which Bell is willing to provide direct access, however, it has also informed AT&T that direct access is not currently available, that the development of the necessary hardware and software would be expected to take about a year, and that it would need to "mediate" any such direct CLEC access.

37. In addition to the proposed manual processing of all CLEC orders by Bell Atlantic, Bell Atlantic has insisted that all CLEC orders will be processed only in batches at 30-minute intervals. When contrasted to the real time processing which Bell Atlantic provides for its own service orders, this batch processing of CLEC orders is clearly not parity. Moreover, the delay in the processing of CLEC orders could affect the timeliness of the provisioning of CLEC orders, particularly if a provisioning day is closed out during the 30-minute interval by intervening Bell Atlantic orders.

38. Bell Atlantic has also stated that firm order confirmations will not be sent to CLECs until 24 hours after the order is sent to Bell Atlantic. By contrast, Bell Atlantic's own customer service representatives receive notice that their orders have been accepted (or rejected) by Bell Atlantic's service order processing systems immediately. Thus, Bell Atlantic's representatives will be able to confirm orders with their customers during the initial contact, while CLEC representatives will have to call back the customer at least 24 hours later to provide order confirmation.

39. Bell Atlantic has further stated that it will be unable to provide a daily usage feed for CLEC customers in less than 72 hours. CLECs such as AT&T cannot provide timely and accurate bills without such daily usage feeds. As a result of this 72-hour delay, service for a new CLEC customer cannot be provisioned by Bell Atlantic in less than three days

– a limitation that does not apply to the provisioning of service for Bell Atlantic's own customers.

40. The many delays in the ordering and provisioning of CLEC orders under Bell Atlantic's proposals will not only prevent CLECs from completing provisioning in the same time frames as Bell Atlantic, but will also mean that CLECs will not know the status of orders that are in jeopardy. If the provisioning of an order is in jeopardy, the CLEC might not even know that there is a problem until it is too late to notify the customer and reschedule the installation.

41. Finally, Bell Atlantic's pre-ordering interface – the Electronic Communications Gateway – does not provide parity because this gateway does not enable AT&T to move directly from Bell Atlantic's pre-ordering system to its ordering system, a capability that Bell Atlantic's own service representatives have today. This introduces the potential for further errors and delay because AT&T will have to input the information received from Bell Atlantic's pre-ordering interface into AT&T's systems. Moreover, this will have to be accomplished by means of a screen scraping technique, which is essentially a "cut and paste" process. Under this arrangement, every time that Bell Atlantic makes a change to its systems, AT&T will have to modify its scraping software. To date, Bell Atlantic has given AT&T nothing more than vague promises that it will at some undefined point in the future move to the industry-wide suggested solution for pre-ordering, which would eliminate the need for screen scraping.

V. THE ADEQUACY OF CAPACITY TO MEET CLEC REQUIREMENTS

42. In addition to failing to show that it has actually deployed fully tested, operationally ready interfaces for all OSS functions and for all services and unbundled network

elements, Bell Atlantic has failed to show that the OSS interfaces and other access procedures which it proposes will have adequate capacity to handle the volume of CLEC orders and other service requests that can reasonably be expected to occur as local markets become competitive. This is particularly important because multiple carriers will likely enter the local services market. Bell Atlantic has provided no information about the capacity of its systems or the volumes of CLEC transactions it will be able to process through its systems.

43. Adequate load carrying capacity is an essential aspect of establishing the operational readiness of Bell Atlantic's proposed interfaces and related OSS access procedures. An interface or service order processing procedure that operates satisfactorily at low volumes but "chokes" the processing flow for CLEC service orders at actual market volumes will place Bell Atlantic's competitors and their customers at a severe disadvantage.

44. As discussed above, a particular concern in this regard is the 100 percent level of manual intervention which Bell Atlantic proposes to rely on to enter all CLEC local service orders. This process will be exceedingly tedious and time consuming, and as competition develops in local markets, the volume of orders from all CLECs can be expected to increase sharply.[21] As a result, Bell Atlantic's OSS access proposal poses a high risk of order backlogs and service delays for CLECs.

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[21] Such problems were experienced by AT&T in Rochester, New York, as a result of Rochester Telephone's attempt to manually process CLEC local service orders. See First Report and Order, ¶ 508.